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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3115***

***Thursday, June 19, 2003 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**Geoffrey F. Brown**

**Susan P. Kennedy**

**Loretta M. Lynch**

**Carl W. Wood**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <b><i>Open to the Public</i></b>
Monday, July 07, 2003 (San Francisco)	Thursday, June 19, 2003 (San Francisco)
Monday, August 18, 2003 (San Francisco)	Thursday, July 10, 2003 (San Francisco)
Friday, August 29, 2003 (San Francisco at 11:00 AM)	Thursday, August 21, 2003 (San Francisco)
Monday, September 15, 2003 (San Francisco)	Thursday, September 04, 2003 (San Francisco)
Monday, September 29, 2003 (San Francisco)	Thursday, September 18, 2003 (Los Angeles)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
- CA-9, H-5

Public Comment:

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Orders and Resolutions

- CA-1**                      **Res TL-19029**  
**2105**                      Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149536](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149536)
- CA-2**                      **Res ALJ 176-3115**  
**2106**                      Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
- CA-3**                      **Res W-4390 - California Water Service Company (CWSC), Salinas and Bakersfield**  
**2035**                      **Districts.**  
This resolution denies the acquisition of three water companies and suspending balancing account advice letter filings pending determination of costs associated with acquired water companies included in balancing accounts effective November 29, 2001. (Advice Letters (AL) 1514 and AL 1515, filed May 7, 2002, and AL 1517, filed June 26, 2002)  
(Agenda 3111, Item CA-17 4/17/2003 (Staff); Agenda 3113, Item CA-7 5/22/2003 (Staff))

- CA-4  
2164**      **Res M-4809**  
Revised draft resolution for deviations from General Order 96-A regarding submittals of tariff sheets and advice letters.  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
(Agenda 3114, Item CA-5 6/5/2003 (Staff))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149721](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149721)
- CA-5 (Rev.)  
2242**      **A02-04-022 - California-American Water Company (CalAm).**  
For an order authorizing CalAm to increase its rates for water service in its Monterey Division. This decision grants CalAm's petition for modification of D03-02-030. Appendices E, F, and G are added to the decision, confirming figures used to establish Monterey Division's adopted general office expenses for test years 2003 and 2004. This proceeding is closed.  
(Comr Peevey - ALJ McVicar)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
06/16/2003 - This revision was not shown on the Agenda mailed to the public.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=150089](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=150089)
- CA-6  
2259**      **A01-11-014 - Verizon Advanced Data Inc. (VADI).**  
A00-09-028 - Related matters. This decision grants VADI's application to transfer its advanced data services assets and reintegrate with Verizon California Inc. (Verizon). This decision also grants Verizon's motion to withdraw its earlier filed application to transfer intrastate advanced data service assets to VADI (A00-09-028) on the ground that subsequent events have superseded the need to act on the application given Verizon's decision not to maintain advanced services in the separate VADI affiliate. A00-09-028 is closed.  
(Comr Wood - ALJ Thomas)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=150583](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=150583)
- CA-7  
2265**      **A03-03-048 - Southern California Gas Company (SoCalGas).**  
For modification of Resolution G-3334. This decision denies SoCalGas's petition to modify Ordering Paragraph 3 of Res G-3334. The implementation application filing ordered in the Resolution shall be filed on June 30, 2003. This proceeding is closed.  
(Comr Wood - ALJ Wong)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148510](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148510)

- CA-8  
2287**      **A03-03-045 - CMTel (USA) LLC (Applicant).**  
This decision grants Applicant a certificate of public convenience and necessity under Pub. Util. Code § 1001 to provide limited facilities-based and resold local exchange telecommunications services.  
This proceeding is closed.  
(Comr Brown - ALJ Bemserderfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=146923](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=146923)
- CA-9  
2288**      **(ECP) C03-03-032 - Christopher Douglas (Complainant) vs. Pacific Gas and Electric Company (PG&E).**  
Complainant alleges that PG&E overcharged him, was not billing in accordance with its filed tariff rates, changed his account number because he filed a complaint with the Commission, and refused to provide copies of his billing statements to prevent him from presenting his case. PG&E has demonstrated that Complainant has been billed in accordance with PG&E's filed tariffs. The complaint is dismissed. This proceeding is closed.  
(Comr Wood - ALJ Patrick)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148080](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148080)
- CA-10  
2289**      **A03-03-012 - Matrix Telecom, Inc. (Matrix) and International Exchange Communications, Inc. (IEC).**  
This decision grants the application for sale of assets by IEC to Matrix. This proceeding is closed.  
(Comr Brown - ALJ Bemserderfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=144844](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144844)
- CA-11  
2292**      **A03-01-017 - CI2 dba Computer Intelligence Squared (Applicant).**  
This decision grants Applicant a certificate of public convenience and necessity to resell local exchange and interexchange telecommunications service. This proceeding is closed.  
(Comr Lynch - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=144711](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144711)

- CA-12  
2300**      **A03-03-013 - VCOM Solutions, Inc. (Applicant).**  
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based local exchange and interexchange telecommunications services. This proceeding is closed.  
(Comr Kennedy - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=144722](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144722)
- CA-13  
2301**      **A03-01-008 - Alticom, Inc. (Applicant).**  
This decision grants Applicant a certificate of public convenience and necessity to resell local exchange telecommunications service. This proceeding is closed.  
(Comr Kennedy - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147389](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147389)
- CA-14  
2306**      **A03-03-009 - Pacific Gas and Electric Company (PG&E).**  
This decision grants PG&E an order confirming it may grant a revocable floating dock license under General Order 69-C to Marina View Heights Association. This proceeding is closed.  
(Comr Kennedy - ALJ Bemserfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=145431](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145431)
- CA-15  
2310**      **A03-01-003 - Teledata Solutions, Inc. dba TSI (Applicant).**  
This decision grants Applicant a certificate of public convenience and necessity to resell local exchange service. This proceeding is closed.  
(Comr Kennedy - ALJ Bemserfer)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147023](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147023)
- CA-16  
2312**      **A02-11-054 - Great America Networks, Inc. (Applicant).**  
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based local exchange services. This proceeding is closed.  
(Comr Wood - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147126](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147126)

- CA-17  
2313**      **A03-03-033 - Focal Communications Corporation of California (Applicant).**  
This decision grants Applicant's request to discontinue service to approximately 41 of its business customers. This proceeding is closed.  
(Comr Brown - ALJ O'Donnell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=144607](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=144607)
- CA-18  
2323**      **A02-07-049 - BayPorter Express, Inc. (Applicant).**  
This decision authorizes Applicant to increase its rates and establish a new zone of rate freedom for its passenger stage operations. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149061](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149061)
- CA-19  
2325**      **A03-04-009 - Mohsen M. Ahmed (Transferor) and Rachel Bueno and Javier Canal (Transferee).**  
This decision authorizes Tansferor to transfer his certificate to operate as a passenger stage corporation to Transferee. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149533](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149533)
- CA-20  
2331**      **A03-04-010 - Mola Kendie Gebeye dba All Airport Connection Shuttle (Applicant).**  
This decision authorizes Applicant to operate as passenger stage corporation between points and places in San Francisco, Alameda, Contra Costa, Santa Clara, Solano, Marin and San Mateo Counties, on the one hand, and the airports of San Francisco, San Jose, and Oakland, on the other hand. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- CA-21  
2332**      **A03-03-007 - BayPorter Express (Applicant).**  
This decision authorizes Applicant to extend its on-call passenger stage certificate between San Francisco County and San Francisco International Airport. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149163](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149163)

- CA-22  
2333**      **A02-06-050 - Westar Marine Services, Division of Cross Link, Inc. (Applicant).**  
This decision authorizes Applicant to increase its vessel common carrier water taxi rates in San Francisco Bay. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149160](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149160)
- CA-23  
2334**      **A03-04-007 - Pacific Adventures Cruises, Inc. (Applicant).**  
This decision authorizes Applicant to extend its vessel common carrier operations to include scheduled water taxi service in Marina del Rey. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- CA-24  
2336**      **Res T-16752 - SBC California (SBC).**  
This resolution approves an Interconnection Agreement between SBC and Enhanced Communications Networks, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181.  
(Advice Letter 23675, filed April 16, 2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149571](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149571)
- CA-25  
2337**      **Res T-16749 - Citizens Telecommunications Company of California, Inc. (CTC-California).**  
This resolution approves an Interconnection Agreement between CTC-California and Cal One Cellular L.P., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 789, filed March 24, 2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149574](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149574)
- CA-26  
2338**      **Res T-16751 - SBC California (SBC).**  
This resolution approves an Interconnection Agreement between SBC and Sprint Communications Company L.P., in accordance with the provisions of General Order 96-A and Resolution ALJ-181.  
(Advice Letter 23674, filed April 16, 2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149575](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149575)
- CA-27  
2339**      **Res T-16750 - Citizens Telecommunications Company of California, Inc. (CTC-California).**  
This resolution approves an Interconnection Agreement between CTC-California and T-Mobile USA, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 790, filed March 24, 2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149578](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149578)

- CA-28  
2340**      **A02-12-040 - Santa Clara Valley Transportation Authority (VTA).**  
This decision grants VTA's application to construct a grade-separated highway-rail crossing over Hamilton Avenue and a grade-separated pedestrian rail-crossing over a freight railroad line in City of Campbell, Santa Clara County. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148309](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148309)
- CA-29  
2341**      **A03-03-047 - San Francisco Bay Area Rapid Transit District (BART).**  
This decision grants BART's application to construct a new grade-separated pedestrian overpass over the tracks of the Peninsula Joint Powers Board at the new Millbrae intermodal station, at milepost 13.62. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149337](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149337)
- CA-30  
2343**      **A02-06-042 - Alameda Corridor - East Construction Authority (ACE).**  
This decision grants ACE's application to add flashing light signals with gates, vehicle presence detection systems, and exit gate control systems, creating four-quadrant gate systems under General Order 75-C, Section 6.71 and 10, at five grade crossings in City of Pomona, Los Angeles County. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147537](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147537)
- CA-31  
2344**      **Res SU-56 - Los Angeles to Pasadena Blue Line Construction Authority (PBLCA).**  
This resolution grants PBLCA a variance from Rule 74.4F(1) of General Order 95 on exclusive and semi-exclusive rights of way.
- CA-32  
2345**      **Res ST-63 - Los Angeles to Pasadena Blue Line Construction Authority (PBLCA).**  
This resolution grants PBLCA's request to deviate from track overhead clearance requirements of General Order 95. It specifically authorizes reduced overhead track clearance for the first 200 foot section of northbound track starting at the south end of the Colorado Box.



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- CA-33  
2346**      **Res W-4405 - Southern California Water Company (SCWC), Region III, Region II, Bay Point, Clearlake, Los Osos, Ojai, and Santa Maria Districts.**  
This resolution authorizes surcharges and/or surcredits in each district of SCWC to amortize the cumulative balances in purchased water and purchased power balancing accounts producing additional annual revenues of \$2,081,590 or 1.3% for those combined districts. (Advice Letter (AL) 1117-W, AL 1118-W, AL 1119-W, AL 1120-W, AL 1121-W, AL 1122-W, and AL 1124-W, filed March 27, 2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148506](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148506)
- CA-34  
2347**      **Res W-4404 - San Jose Water Company (SJWC).**  
This resolution authorizes SJWC an offset rate increase for increases in the cost of purchased water and pump tax of \$5,261,163 or 4.17% in additional revenue. (Advice Letter 342, filed April 18, 2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147790](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147790)
- CA-35  
2356**      **A02-05-022 - Southern California Edison Company (SCE).**  
A02-05-025, A02-05-026, A02-05-031 - Related matters. This order exempts SCE from filing a 2004 test year cost of capital (COC) proceeding. Its next COC shall be for its 2005 test year and shall be filed by May 10, 2004. A02-05-025, A02-05-026, and A02-05-031 are closed.  
(Comr Brown, Comr Peevey - ALJ Galvin)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147757](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147757)
- CA-36  
2358**      **A99-06-033 - Pacific Gas and Electric Company (PG&E).**  
Application submitting electric rate proposal for Direct Access Services described in D97-10-087. A99-06-040, A99-06-041, A99-03-013, A99-03-019, A99-03-024, R92-03-050 - Related matters. This decision awards The Utility Reform Network (TURN) and Golden State Power Cooperative intervenor compensation for their participation in proceedings involving revenue cycle services, direct access service fees, and line extensions (TURN only). A99-06-033, A99-06-040, A99-06-041, A99-03-013, A99-03-019, and A99-03-024 are closed.  
(Comr Kennedy, Comr Lynch - ALJ Patrick, ALJ Wetzell)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148694](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148694)
- CA-37  
2359**      **A03-03-042 - Southern California Gas Company (SoCalGas).**  
This decision grants SoCalGas the authority to obtain long-term debt capital not to exceed \$715,000,000 and certain exemptions from the Competitive Bidding Rule. This proceeding is closed.  
(Exam Clanon)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
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**CA-38  
(Rev.)  
2260**

**A00-05-029 - Pacific Gas and Electric Company (PG&E) and California Waterfowl Association.**

For an order market valuing and authorizing the transfer of certain land in Shasta County (McArthur Swamp) and related properties pursuant to Pub. Util. Code Sections 367(b) and 851. A00-05-030 - Related matters. This decision dismisses these consolidated applications without prejudice, since the recent Federal Energy Regulatory Commission order renewing PG&E's Pit 1 hydroelectric plant license bars the transfer of land and other property at issue, since some of the land is within the license boundary. These proceedings are closed.

(Comr Lynch - ALJ Vieth)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

06/18/2003 - This item appeared as (4) on the agenda distributed to the public.

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=150367](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=150367)

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## Regular Agenda

### Utility and Transportation Orders *Orders Held Over*

**H-1  
2023**      **R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**  
This draft decision grants in part Southern California Edison Company's (SCE) February 3, 2003 Petition for Modification of D02-12-074. In all other respects, SCE's petition is denied.  
(Comr Peevey - ALJ Walwyn)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
(Agenda 3111, Item 3 4/17/2003 (Peevey); Agenda 3112, Item H-6 5/8/2003 (Peevey); Agenda 3113, Item H-6 5/22/2003 (Lynch); Agenda 3114, Item H-7 6/5/2003 (Brown))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149975](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149975)

**H-1a  
2057**      **ALTERNATE TO ITEM 2023**  
This alternate order applies the disallowance cap to a different amount of procurement costs than the administrative law judge's draft decision.  
(Comr Peevey)  
(Agenda 3111, Item 3a 4/17/2003 (Peevey); Agenda 3112, Item H-6a 5/8/2003 (Peevey); Agenda 3113, Item H-6a 5/22/2003 (Lynch); Agenda 3114, Item H-7a 6/5/2003 (Brown))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147650](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147650)

**H-1b  
2296**      **ALTERNATE TO ITEM 2023**  
This alternate order applies the disallowance cap to a lower amount of procurement costs than the Administrative Law Judge's draft decision.  
(Comr Lynch)  
(Agenda 3114, Item H-7b 6/5/2003 (Brown))

**H-2  
2080****R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanism for generation procurement and renewable resource development.**

This decision addresses the Department of Water Resource's (DWR) Petition for Modification of D02-09-053, requesting to reallocate Product D of the Williams contract from San Diego Gas and Electric Company (SDG&E) to Southern California Edison Company (SCE) in light of recent renegotiations. The Commission denies DWR's request. The Commission finds that there are clear disadvantages to the proposed contract reallocation in terms of allocated capacity, energy, residual net short and other factors considered in D02-09-053. The Commission also finds that the economic and reliability enhancements that DWR associates with its proposal can be acquired through contractual arrangements between SCE and SDG&E, as needed.

(Comr Peevey - ALJ Halligan)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3113, Item CA-9 5/22/2003 (Lynch))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147491](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147491)

**H-2a  
2355****ALTERNATE TO ITEM 2080**

This alternate order rejects DWR's proposal to reallocate the Williams contract from SDG&E to SCE, but requires the utilities and DWR to submit a new, joint proposal to rebalance and optimize the allocation of the contracts.

(Comr Lynch)

**H-3  
2090****A02-09-006 - Wild Goose Storage, Inc. (Wild Goose).**

This decision determines that the holding company merger involving Wild Goose's original parent has resulted in an indirect change of control over Wild Goose and approves the change of control nunc pro tunc but levies a penalty of \$51,500 for a continuing violation of Pub. Util. Code § 854(a). One half of the penalty (\$25,750) is suspended after considering mitigating factors. This proceeding is closed.

(Comr Lynch - ALJ Vieth)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3113, Item 1 5/22/2003 (Wood); Agenda 3114, Item H-9 6/5/2003 (Brown))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148034](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148034)

**H-3a  
2092****ALTERNATE TO ITEM 2090**

This alternate decision determines that the holding company merger involving Wild Goose's original parent has resulted in an indirect change of control over Wild Goose and approves the change of control nunc pro tunc but levies a penalty of \$1,510,000 for a continuing violation of Pub. Util. Code § 854(a). This proceeding is closed.

(Comr Lynch)

(Agenda 3113, Item 1a 5/22/2003 (Wood); Agenda 3114, Item H-9a 6/5/2003 (Brown))

**H-3b  
2349****ALTERNATE TO ITEM 2090**

This alternate decision determines that the holding company merger involving Wild Goose's original parent has resulted in an indirect change of control over Wild Goose. The alternate approves, on a prospective basis, the indirect transfer of control over Wild Goose. Retroactive approval is denied. The alternate also levies a penalty of \$51,500 for a continuing violation of Pub. Util. Code § 854 (a). This proceeding is closed.

(Comr Brown)

**H-4  
2100****A00-02-048 - Innovative Telecom Corp. (ITC) and Enhanced Global Convergence Services, Inc. (eGCS).**

This decision authorizes ITC and eGCS to transfer all of ITC's assets to eGCS on a prospective basis. Applicants are fined a total of \$500 for completing the transfer of assets prior to requesting and obtaining Commission authorization to transfer the assets. This proceeding is closed.

(Comr Wood - ALJ Galvin)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3113, Item CA-16 5/22/2003 (Wood); Agenda 3114, Item H-10 6/5/2003

(Wood))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147913](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147913)

**H-5  
2160****I97-07-018 - Investigation on the Commission's own motion into the operations, practices, rates and charges of the Hillview Water Company, Inc. (Hillview), a corporation, and Roger L. Forrester (Forrester), the principal shareholder and president.**

This decision determines that the respondents, Hillview and Forrester violated Section 491 and Section 825 of the California Public Utilities Code. The respondents must prepare a reconciliation of accounts for the period from January 1, 1991, to and including July 31, 1998. If that reconciliation indicates that Hillview's revenue requirement is materially inaccurate, Hillview must file an informal general rate case to properly adjust its rates. A five-year probationary period is instituted to prevent a recurrence of these violations. This proceeding is closed.

(Comr Kennedy - ALJ Ryerson)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

(Agenda 3114, Item 1 6/5/2003 (Staff))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149401](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149401)

**H-6  
2177****R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**

I95-04-044 - Related matters. This decision authorizes the North American Numbering Plan Administrator, together with carriers to proceed immediately with implementation of the 310 Numbering Plan Area (NPA) back-up relief plan adopted in D00-09-073. The back-up plan provides for a geographic split of the 310 NPA to create a new 424 NPA in order to replenish the supply of NXX codes available for telephone number assignments. The southern portion of the current 310 area code, including El Segundo, Hawthorne, Compton, Redondo, Lomita, and San Pedro shall be split off to form a new 424 area code.

(Comr Lynch - ALJ Pulsifer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

(Agenda 3114, Item 2 6/5/2003 (Peevey))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149760](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149760)

**H-6a  
2179****ALTERNATE TO ITEM 2177**

This decision concludes that adequate telephone numbers still exist in the 310 area code to provide customers and telephone carriers with sufficient service. It is not necessary at this time to split the 310 area code by implementing the area code split plan adopted in D00-09-073. Instead, the Commission should closely monitor the additional need for telephone numbers in the 310 area code to assure adequate telephone number supplies, and further advocate its number conservation proposals now pending with the federal Communications Commission.

(Comr Lynch)

(Agenda 3114, Item 2a 6/5/2003 (Peevey))

**H-7  
2291****R \_\_\_\_\_ - Order Instituting Rulemaking adopting rules to account for the consideration received by regulated California electric and natural gas utilities under a settlement with El Paso Natural Gas Company.**

The Commission, Southern California Edison Company (Edison), Pacific Gas & Electric Company (PG&E), and others, have reached a settlement with El Paso Natural Gas Company in the Commission's complaint proceeding, Docket No. RP00-241-000 at the Federal Energy Regulatory Commission, as a part of a larger settlement involving the investigations by the California Attorney General, and the Attorneys General from Nevada, Washington, and Oregon, as well as 15 separate plaintiffs' lawsuits in the San Diego Superior Court. This Order Instituting Rulemaking (OIR) will adopt the appropriate ratemaking mechanisms to enable the three major investor-owned electric utilities, Edison, San Diego Gas & Electric Company (SDG&E) and PG&E, and the four major investor-owned gas utilities, PG&E, Southern California Gas Company (SoCalGas), SDG&E, and Southwest Gas Company (Southwest) to implement accounting mechanisms for the proceeds of the negotiated settlement.

(Agenda 3114, Item 4 6/5/2003 (Staff))

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**Orders**
**1  
2247      R03-03-014 - Order Instituting Rulemaking into implementation of Senate Bill 669 and Assembly Bill 1734, as they affect the Deaf and Disabled Telecommunications Equipment and Services Program Fund.**

This decision adopts new charters for: (1) the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC) which will advise the Commission on the administration of the Deaf and Disabled Telecommunications Program (DDTP); (2) the California Relay Service Advisory Committee (CRSAC) which will advise the TADDAC on issues related to the CRS; and (3) the Equipment Program Advisory Committee which will advise the TADDAC on issues related to the equipment program. Also, this decision adopts a payment schedule for DDTP-related invoices. (Comr Kennedy - ALJ Jones)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=150149](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=150149)

**2  
2256      A01-09-062 - California Water Service Company (Cal Water).**

For an order authorizing Cal Water to increase rates charged for water service at each of its operating districts to recover increased operating expenditures at its General Office. A01-09-063, A01-09-064, A01-09-065, A01-09-066, A01-09-067, A01-09-068, A01-09-069, A01-09-070, A01-09-071, A01-09-072, A01-09-073, A01-09-074 - Related matters. This decision authorizes Cal Water to increase rates in various operating districts.

(Comr Kennedy - ALJ Bushey)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148457](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148457)

**3  
2258      R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**

This decision begins the implementation of the renewable portfolio standard program established by Senate Bill 1078.

(Comr Peevey - ALJ Allen)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*This matter may be considered during the Ratesetting Deliberative Meeting.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=150502](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=150502)

**3a  
2351      ALTERNATE TO ITEM 2258**

This alternate differs from the proposed decision primarily on how to address potential utility non-compliance with RPS mandates.

(Comr Lynch)

**4 (Rev.)** 06/18/2003 - Moved to item (CA-38) on the agenda.  
**2260**

**5 A03-01-019 - Southern California Edison Company (SCE).**

**2264** For authority to lower and adjust retail electric rates for all customer classes upon completion of full recovery of procurement related obligations account. This decision adopts a stipulation agreed to by SCE, Office of Ratepayer Advocates, The Utility Reform Network, California Large Energy Consumer Association, California Manufacturers and Technology Association, Agricultural Energy Consumers Association, California Farm Bureau Federation, and others, by which SCE will lower its retail electric rates by \$1.25 billion annually, starting July 1, 2003. This proceeding is closed.  
(Comr Brown - ALJ Barnett)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

**6 R01-12-009 - Order Instituting Rulemaking on the Commission's own motion to evaluate existing practices and policies for processing offset rate increases and balancing accounts in the water industry to decide whether new processes are needed.**

**2266** This decision revises the existing procedures for recovery of under collections and over collections in balancing accounts existing on or after November 29, 2001 as follows: (1) If a utility is within its rate case cycle and is not over earning, the utility shall recover its balancing account subject to reasonableness review; and (2) If a utility is either within or outside of its rate case cycle and is over earning, the utility's recovery of expenses from the balancing accounts will be reduced by the amount of the over earning, again subject to reasonableness review. The utility shall remove the amount of the over earning from the balancing account and shall amortize it below the line. Utilities shall use the recorded rate of return means test to evaluate earnings for all years. This proceeding is closed.  
(Comr Brown - ALJ Econome)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

**7 R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and Decision 01-09-060.**

**2267** This decision adopts Cost Responsibility Surcharges (CRS) on Direct Access CRS effective July 1, 2003.

(Comr Brown, Comr Wood - ALJ Pulsifer)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*This matter may be considered during the Ratesetting Deliberative Meeting.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148319](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148319)



**7a                   ALTERNATE TO ITEM 2267**

**2354**               This alternate differs from the proposed decision by adopting a Direct Access Cost Responsibility Surcharge of 4 cents per kWh.  
(Comr Lynch)

**8                   A02-03-035 - Southern California Edison Company (SCE) and Pacific Terminals LLC (Pacific**  
**2268               Terminals).**

This decision concludes that Pub. Util. Code § 377 does not bar the sale of SCE's Fuel Oil Pipeline Facilities to Pacific Terminals. The sale is approved. This proceeding is closed.  
(Comr Wood - ALJ Evans)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=150549](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=150549)

**9                   P02-05-014 - Verizon California Inc.**

**2353**               This decision grants Verizon California Inc.'s Petition for a rulemaking to establish rules governing the transfer of customers from carriers exiting the local telecommunications market and institutes a rulemaking to facilitate the migration. P02-05-014 is closed.  
(Comr Wood - ALJ Grau)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149971](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149971)

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**Utilities Resolutions and Written Reports****Energy Matters****E-1                    Res E-3814 - Southern California Edison Company (SCE).**

**1750**                    SCE seeks Commission approval of one power purchase agreement contributing toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources irrespective of the utility's residual net short. (Advice Letter 1680-E, filed January 14, 2003) (Agenda 3107, Item E-3 2/13/2003 (Brown); Agenda 3108, Item E-3 2/27/2003 (Staff); Agenda 3109, Item E-1 3/13/2003 (Brown); Agenda 3110, Item E-1 4/3/2003 (Kennedy); Agenda 3111, Item E-1 4/17/2003 (Kennedy); Agenda 3112, Item E-1 5/8/2003 (Wood); Agenda 3114, Item E-1 6/5/2003 (Wood))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=142825](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=142825)

**E-1a                    ALTERNATE TO ITEM 1750**

**2293**                    This alternate differs from the proposed Energy Division Resolution in that it approves one power purchase agreement which Southern California Edison (SCE) requests to enter into in 2003 to contribute toward procurement of at least one percent of the utility's annual electric sales from renewable energy resources.  
(Comr Wood)  
(Agenda 3114, Item E-1a 6/5/2003 (Wood))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148986](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148986)

**E-2                    Res E-3801 - Pacific Gas and Electric Company (PG&E).**

**1778**                    This resolution approves with modifications PG&E's tariff revisions to implement a flexible pricing option in accordance with Public Utilities Code Section 454.1. (Advice Letter 2276-E, filed August 26, 2002)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
(Agenda 3109, Item E-3 3/13/2003 (Staff); Agenda 3110, Item E-3 4/3/2003 (Lynch); Agenda 3111, Item E-3 4/17/2003 (Brown); Agenda 3112, Item E-3 5/8/2003 (Peevey); Agenda 3114, Item E-2 6/5/2003 (Staff))

**E-2a                    ALTERNATE TO ITEM 1778**

**1962**                    PG&E submits revisions to implement a flexible pricing option in accordance with PUC Code 454.1. Approved with modifications.  
(Comr Peevey)  
(Agenda 3110, Item E-3a 4/3/2003 (Lynch); Agenda 3111, Item E-3a 4/17/2003 (Brown); Agenda 3112, Item E-3a 5/8/2003 (Peevey); Agenda 3114, Item E-2a 6/5/2003 (Staff))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=145073](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=145073)

**E-3  
2110      Res E-3813 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).**

PG&E, SCE, and SDG&E filed tariffs to implement the Direct Access Cost Responsibility Surcharge effective January 1, 2003 in compliance with Ordering Paragraphs 10 and 11 of D02-12-045. (PG&E Advice Letter (AL) 2328-E, filed December 24, 2002, Supplemental ALs 2328-E-A/-E-B, filed January 13, 2003 and January 23, 2003; SCE AL 1674-E filed, December 24, 2002; and SDG&E AL 1461-E, filed December 26, 2002.)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

(Agenda 3113, Item E-5 5/22/2003 (Lynch); Agenda 3114, Item E-3 6/5/2003 (Staff))

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149471](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149471)

**E-3a  
2350      ALTERNATE TO ITEM 2110**

PG&E, SDG&E and SCE's advice letters to implement the Direct Access Cost Responsibility Surcharge are approved with modifications.

(Comr Lynch)

**E-4  
2222      Res E-3827 - Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), and San Diego Gas & Electric Company (SDG&E).**

This resolution approves requests of PG&E, SCE, and SDG&E to establish pilot programs to provide net energy metering for eligible biogas digester customer-generators in compliance with Assembly Bill 2228. (PG&E's Advice Letter (AL) 2350-E, SCE's AL 1692-E, and SDG&E's AL 1475-E, filed March 3, 2003)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=150548](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=150548)

**E-5  
2223      Res G-3352 - Southern California Gas Company (SoCalGas).**

This resolution approves SoCalGas' request to revise its three existing standard form contracts and to establish a fourth new standard form contract. (Advice Letter 3194, filed on October 4, 2002)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=150357](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=150357)

**Telecommunications Matters****C-1  
2263****Res T-16741**

This resolution adopts a new structure for California Relay Service (CRS) and authorizes the Executive Director of the Commission to enter into six contracts, on behalf of the Commission, covering the provision of CRS under the new structure. The budget for six contracts is estimated to be \$133.1 million for three years, two-one year extensions plus six months. The resolution is pursuant to Public Utilities Code Sections 2882, et seq and Senate Bill 669 (1999) and Assembly Bill 1734 (2002).

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148619](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148619)

**Legislative Matters*****Items Held Over***

- HLEG-1**      **AB 808 (Canciamilla)**  
**2214**      Energy: agency consolidation.  
(Agenda 3113, Item LEG-2 5/22/2003 (Staff); Agenda 3114, Item HLEG-1 6/5/2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=149527](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=149527)
- HLEG-2**      **AB 855 (Firebaugh and Levine)**  
**1977**      Wireless telecommunications: access to state property.  
(Agenda 3110, Item LEG-3 4/3/2003 (Staff); Agenda 3111, Item HLEG-1 4/17/2003  
(Staff); Agenda 3112, Item HLEG-3 5/8/2003 (Staff); Agenda 3113, Item HLEG-1  
5/22/2003 (Staff); Agenda 3114, Item HLEG-2 6/5/2003 (Staff))
- HLEG-3**      **AB 1157 (Canciamilla)**  
**2297**      Public Utilities: Water rates.  
(Agenda 3114, Item LEG-1 6/5/2003 (Kennedy))
- HLEG-4**      **SB 888 (Dunn, et. al.)**  
**2298**      Public utilities: electrical restructuring.  
(Agenda 3114, Item LEG-2 6/5/2003)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=147487](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=147487)

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**Commissioner's Reports**

**CR-1**                    **Commissioners' Reports**  
**2107**                    Miscellaneous Commissioners' reports.

**CR-2**                    **Commissioner Lynch Report**  
**2220**                    Discussion of and possible action on ensuring information from Commission staff or consultants is provided to interested commissioner offices in a timely manner.  
(Agenda 3113, Item CR-2 5/22/2003 (Peevey); Agenda 3114, Item CR-2 6/5/2003 (Staff))  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=148436](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=148436)

**CR-2a**                    **ALTERNATE TO ITEM 2220**  
**(Rev.)**                    The California Public Utilities Commission, pursuant to its inherent power to govern itself and to Public  
**2374**                    Utilities Codes §305, inter alia, does hereby promulgate the following addition to its Policy and Guidelines:  
1. Each commissioner shall be entitled to all books and papers pertaining to his office, or in the custody of a former incumbent of his office (Government Code §1850). 2. All Commission staff shall promptly respond to all reasonable requests for information by commissioners, to the extent permitted by law.  
3. The Commission is committed to open and constructive information flow in order to make sure that each vote is taken from an informed viewpoint, and that the advantages and disadvantages of decisions are weighed seriously and frankly.  
(Comr Brown, Comr Peevey)  
06/12/2003 - This item was not listed on the agenda distributed to the public.

**CR-3**                    **Commissioner Lynch Report**  
**2364**                    Discussion of and possible action on Press Guidelines issued by President Peevey.

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## Management Reports and Resolutions

<b>M-1</b>	<b>Management Reports</b>
<b>2109</b>	Miscellaneous Management reports.

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the*

### Non-Federal Items

#### Orders Held Over

- HEX-1  
2030**      **I \_\_\_\_\_ - Conference with Legal Counsel – Initiation of Enforcement Proceeding**  
Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.) Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.  
Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.  
(Agenda 3111, Item EX-10 4/17/2003 (Staff); Agenda 3113, Item HEX-2 5/22/2003 (Staff))
- HEX-2  
2031**      **I \_\_\_\_\_ - Conference with Legal Counsel - Initiation of Enforcement Proceeding.**  
Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.) Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.  
Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.  
(Agenda 3111, Item EX-11 4/17/2003 (Staff); Agenda 3112, Item HEX-3 5/8/2003 (Staff); Agenda 3113, Item HEX-3 5/22/2003 (Staff); Agenda 3114, Item HEX-1 6/5/2003 (Staff))
- HEX-3  
2097**      **I \_\_\_\_\_ - Conference with Legal Counsel – Initiation of Enforcement Proceeding**  
Deliberation on institution of proceeding or disciplinary actions against person or entities subject to Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced.) Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.  
Gov. Code § 11126(d)(2), allows this item to be considered in Closed Session.  
(Agenda 3112, Item EX-5 5/8/2003 (Staff); Agenda 3113, Item HEX-4 5/22/2003 (Staff))



**HEX-4  
2128****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Disposition of applications for rehearing of D02-08-071 filed by Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (Edison). In D02-08-071, the Commission: (1) authorized PG&E and Edison to enter into interim contracts for procurement of capacity in participation with DWR; (2) adopted a procedural process to review and approve these interim contracts; and (3) established the requirements for procurement of renewable and QF power between the effective date of the D02-08-071 and January 1, 2003.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-6 5/8/2003 (Staff); Agenda 3113, Item HEX-5 5/22/2003 (Staff); Agenda 3114, Item HEX-2 6/5/2003 (Staff))

**HEX-5  
2129****R01-10-024 - Conference with Legal Counsel – Application for rehearing**

Disposes of the applications by Southern California Edison (SCE), Pacific Gas & Electric (PG&E), San Diego Gas & Electric Co. (SDG&E), and Sempra Energy Resources for the rehearing of D02-09-053. The decision is an interim opinion in the Commission's rulemaking to establish ratemaking mechanisms and procedures that would enable the utilities to resume responsibility for procuring power for their retail customers. The decision allocates existing California Department of Water Resources long-term contracts to PG&E, SCE and SDG&E.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-7 5/8/2003 (Staff); Agenda 3113, Item HEX-6 5/22/2003 (Staff); Agenda 3114, Item HEX-3 6/5/2003 (Staff))

**HEX-6  
2130****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Disposes of the applications by Pacific Gas & Electric (PG&E), and San Diego Gas & Electric Co. (SDG&E) for the rehearing of D02-12-069, which adopts the Operating Order under which PG&E, SDG&E, and SCE will perform the operational, dispatch, and administrative functions for the California Department of Water Resources' long-term power purchase contracts, as of January 1, 2003.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-8 5/8/2003 (Staff); Agenda 3113, Item HEX-7 5/22/2003 (Staff); Agenda 3114, Item HEX-4 6/5/2003 (Staff))

**HEX-7  
2131****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Order disposing of applications for rehearing of D02-10-062 filed by Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), San Diego Gas and Electric Company (SDG&E), Sempra Energy Resources, and Cogeneration Association of California. D02-10-062 adopts a regulatory framework under which PG&E, Edison, and SDG&E were to resume full procurement responsibilities effective January 1, 2003.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-9 5/8/2003 (Staff); Agenda 3113, Item HEX-8 5/22/2003 (Staff); Agenda 3114, Item HEX-5 6/5/2003 (Staff))

**HEX-8  
2132****R01-10-024 - Conference with Legal Counsel – Applications for Rehearing**

Order disposing of applications for rehearing of D02-12-074 filed by Pacific Gas and Electric Company (PG&E), Southern California Edison Company (Edison), San Diego Gas and Electric Company (SDG&E), and Sempra Energy Resources. D02-12-074 approved short-term procurement plans for PG&E, Edison, and SDG&E and modified the cost recovery mechanisms and standards of conduct adopted in D02-10-062.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

(Agenda 3112, Item EX-10 5/8/2003 (Staff); Agenda 3113, Item HEX-9 5/22/2003 (Staff); Agenda 3114, Item HEX-6 6/5/2003 (Staff))

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**Orders****EX-1                      Conference with Legal Counsel - Application for Rehearing**

**2111**                      Compilation of applications for rehearing recently filed with the Commission.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**EX-2                      Conference with Legal Counsel - Threatened Litigation**

**2112**                      Significant exposure to litigation.  
*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session.*

**EX-3                      Conference with Legal Counsel - Initiation of Litigation**

**2113**                      Consideration of possible Commission initiation of, or intervention in, litigation.  
*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**EX-4                      Personnel Matters**

**2114**                      Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee, including the appointment or employment of a new General Counsel.  
*Gov. Code § 11126(a), allows this item to be considered in Closed Session.*

**EX-5                      R01-08-028 - Conference with Legal Counsel – Application for Rehearing**

**2304**                      Disposes of application for rehearing of D03-04-055, motion to stay, and request for oral argument filed by Women's Energy Matters (WEM) which approved statewide and local energy efficiency programs for the investor owned utilities for the year 2003. WEM requests severance and stay of the decision for further review of Pacific Gas and Electric Company's pilot program to reduce energy demand and to increase energy efficiency in San Francisco.  
*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**Federal Items****Items****FEX-1 Conference with Legal Counsel - Initiation of Litigation**

**2115** Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**FEX-2 Case No. 01 30923 DM - Conference with Legal Counsel - Existing Litigation.**

**2116** Pacific Gas and Electric Company (Debtor), United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 01 30923 DM.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**FEX-3 Case No. 01-56879, DC. No. CV-00-12056-RSWL, - Conference with Legal Counsel - Existing Litigation.**

**2117**

Southern California Edison v. Lynch, et al., United States Court of Appeal for the Ninth Circuit, Case No. 01-56879, DC. No. CV-00-12056-RSWL.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**FEX-4 Case No. C01-3023 VRW - Conference with Legal Counsel - Existing Litigation.**

**2118**

Pacific Gas and Electric Company v. Lynch, et al., United States District Court for the Northern District of California, San Francisco Division, Case No. C01-3023 VRW.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**FEX-5 FERC Docket No. RP00-241-006 - Conference with Legal Counsel - Existing Litigation.**

**2119**

Public Utilities Commission of the State of California v. El Paso Natural Gas Company, et al.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**FEX-6 FERC Docket No. ER02-1656 - Conference with Legal Counsel – Existing Litigation**

**2357**

California Independent System Operator.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**FEX-7 FERC Docket No. EL02-114-000 - Conference with Legal Counsel – Existing Litigation**

**2360**

Portland General Electric Company, et al., FERC Docket No. EL02-114-000.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**FEX-8 FERC Docket No. EL02-113-000 - Conference with Legal Counsel - Existing Litigation**

**2361**

El Paso Electric Company, et al., FERC Docket No. EL02-113-000.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**FEX-9  
2362**

**FERC Docket No. EL02-115-000 - Conference with Legal Counsel - Existing Litigation**

Avista Corporation, et al., FERC Docket No. EL02-115-000.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*